

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

VICKIE ZERBY,
Petitioner,

VS.

JOE KEFFER, Warden,
FMC-Carswell,
Respondent.

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CIVIL ACTION NO.4:10-CV-197-Y

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2241 of petitioner Vickie Zerby, along with the September 1, 2010, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until September 22 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the motion to dismiss of Respondent on the basis of lack of exhaustion should be denied, and the petition for writ of habeas corpus should be denied.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

The May 27, 2010, motion to dismiss (doc. 5) is DENIED.

Petitioner Vickie Zerby's Petition for Writ of Habeas Corpus
under 28 U.S.C. § 2241 is DENIED.

SIGNED September 29, 2010.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE